



REMARKS/ARGUMENTS

This responds to the Office Action mailed on May 21, 2004. Claims 1-32 are pending in the present application. Claims 1-32 are rejected. Claims 1-9 and 25-32 are amended to remove reference to "steps."

This amendment does not affect the scope of the claims.

The Drawing Objections

Regarding the drawings, Applicant has deleted reference sign "70" on page 5, line 19 and replaced reference sign "110" on page 6, line 18 with "14."

Reference sign "22" has been added in red to FIG. 1 for the Examiner's approval.

Reference sign "212" has been added to the specification on page 11, line 14.

The Specification Objections

Regarding the specification, Applicant has capitalized "Digita." The specification has been amended in the above manner, which satisfies the Examiner's requirements in paragraph 5 of the office action.

The 35 U.S.C. §102(e) Rejections

The Examiner rejected claims 1, 7, 8-10, 16, and 22-24 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,445,460 to Pavley (Pavley).

Under 102, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP 2131.

Pavley discloses a method and system for providing and utilizing file attributes with digital images, however Pavley fails to disclose:

- (a) storing a key ID and a definition of one or more custom tags on a server on a network;
- (b) receiving a plurality of image files over the network, wherein each of the image files includes image data, the key ID, and the custom tags containing data; and
- (c) automatically recognizing the image files by the key ID and using the stored definition to extract the data from the custom tags to make the data available to a user along with the image data

as recited in claim 1. With respect to claim 1, the Examiner cites portions of Pavley, in particular column 6, lines 24-33, “FIG. 7 illustrates a flow diagram of an overall process for automatic image file handling in accordance with the present invention. The process initiates with selection of a desired rule set (step 1200). The rule set may be set up and selected in the camera 110, the desktop system 1100, and/or the server system 1102. A system’s file manager program supports application of a rule document on a list of files by opening each image file and examining the file attribute(s) associated with an image file (step 1202).” Although the Examiner did not specifically state that the above cited portion of Pavley read on section (c) of claim 1, Applicant could infer no other reasonable possibility and is proceeding under that belief. If this is in error then Applicant respectfully requests that the Examiner more specifically direct Applicant’s attention to the relevant section.

The cited portion of Pavley is specifically directed towards automatic image file handling according to a set of rules. Pavley recites “A determination is then made as to whether the image file meets the criteria of the rule set (step 1204). If it does meet the criteria, the image file is processed according to the rule set (step 1206). This portion of the description eventually concludes with “Accordingly, the use of file attribute designations supports automatic handling

of image files through the use of preprogrammed rule sets provided as part of the image file processing environment.” Col. 6, lines 60-63. This clearly fails to anticipate “automatically recognizing the image files by the key ID and *using the stored definition to extract the data from the custom tags to make the data available to a user along with the image data*” (emphasis added) as recited in claim 1. Rather, Pavley automatically archives images according to a rule set. Nowhere in Pavley was Applicant able to find the above-cited portion of claim 1. If the Examiner maintains the rejection, Applicant respectfully requests that the Examiner more specifically identify where in Pavley the above-cited portion of claim 1 is found.

Claim 1 is an independent claim and is in condition for allowance. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Claims 7-9 are dependant on claim 1, therefore claims 7-9 are in condition for allowance.

Although claim 10 differs from claim 1, the same comments directed toward claim 1 apply to claim 10. Pavley fails to anticipate claim 10, therefore claim 10 is in condition for allowance.

Although claim 16 differs from claim 1, the same comments directed toward claim 1 apply to claim 16. Pavley fails to anticipate claim 16, therefore claim 16 is in condition for allowance.

The 35 U.S.C. §103(a) Rejections

Claims 2, 3, 11, 12, 17, 18, and 25-29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of U.S. Patent No. 6,581,094 to Gao (Gao). To establish a

prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142.

Gao provides a technique for linking a digital device to a network regardless of the connectivity scheme and operating system used within the network. Col. 2, lines 11-13. Gao fails to teach or suggest automatically recognizing the image files by the key ID and using the stored definition to extract the data from the custom tags to make the data available to a user along with the image data, as recited in claim 1. Gao and Pavley, either separately or in combination, fail to teach or suggest claim 1.

Claims 2 and 3 depend from claim 1. If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Claims 2 and 3 are therefore in condition for allowance.

Although claim 10 differs from claim 1, the same comments directed toward claim 1 apply to claim 10. Gao and Pavley, either separately or in combination, fail to teach or suggest claim 10, therefore claim 10 is in condition for allowance.

Claims 11 and 12 depend from claim 10, therefore claims 11 and 12 are in condition for allowance.

Although claim 16 differs from claim 1, the same comments directed toward claim 1 apply to claim 16. Gao and Pavley, either separately or in combination, fail to teach or suggest claim 16, therefore claim 16 is in condition for allowance.

Claims 17 and 18 depend from claim 16, therefore claims 17 and 18 are in condition for allowance.

Although claim 25 differs from claim 1, the same comments directed toward claim 1 apply to claim 25. Gao and Pavley, either separately or in combination, fail to teach or suggest claim 25, therefore claim 25 is in condition for allowance.

Claims 26-29 depend from claim 25, therefore claims 26-29 are in condition for allowance.

Claims 4-6, 13-15, 19-21 and 30-32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Gao, and in further view of U.S. Patent No. 6,583,799 to Manolis et al. (Manolis). Manolis discloses a method of uploading image data to a remote computer, such as a server. Abstract.

Manolis fails to teach or suggest automatically recognizing the image files by the key ID and using the stored definition to extract the data from the custom tags to make the data available to a user along with the image data, as recited in claim 1. Gao, Pavley and Manolis, either separately or in combination, fail to teach or suggest claim 1.

Claims 4-6 depend from claim 1, therefore claims 4-6 are in condition for allowance.

Although claim 10 differs from claim 1, the same comments directed toward claim 1 apply to claim 10. Gao, Pavley and Manolis, either separately or in combination, fail to teach or suggest claim 10, therefore claim 10 is in condition for allowance.

Claims 13-15 depend from claim 10, therefore claims 13-15 are in condition for allowance.

Although claim 16 differs from claim 1, the same comments directed toward claim 1 apply to claim 16. Gao, Manolis and Pavley, either separately or in combination, fail to teach or suggest claim 16, therefore claim 16 is in condition for allowance.

Claims 19-21 depend from claim 16, therefore claims 19-21 are in condition for allowance.

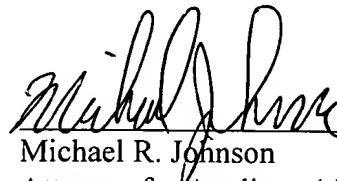
Although claim 25 differs from claim 1, the same comments directed toward claim 1 apply to claim 25. Gao, Manolis and Pavley, either separately or in combination, fail to teach or suggest claim 25, therefore claim 25 is in condition for allowance.

Claims 30-32 depend from claim 25, therefore claims 30-32 are in condition for allowance.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP



Michael R. Johnson
Attorney for Applicant(s)
Reg. No. 55,306
(650) 493-4540

July 16, 2004

Date



10

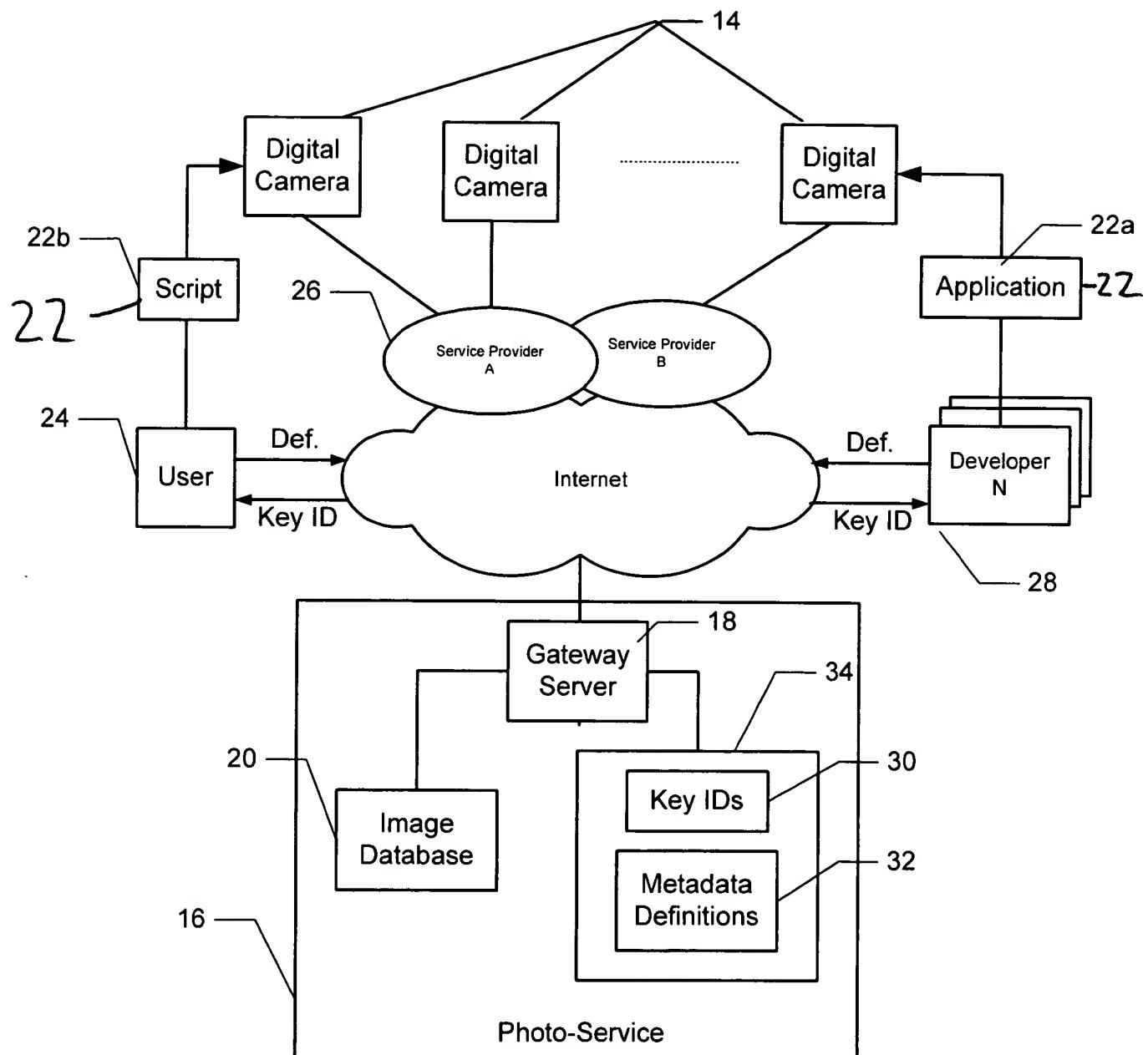


FIG. 1